

(Received via e-mail)

From: "Shellie Perry"
To: <smcconnell@waterboards.ca.gov>
Date: 3/28/2009 7:38 AM
Subject: Draft Cleanup and Abatement Order, Rubicon Trail, El Dorado County

Gentlepeople,

I would like to commend the Water Board staff for the Draft Cleanup and Abatement Order. The environmental damage that accompanies Rubicon Trail usage is escalating rapidly as OHVs become ever more aggressive. The mostly street-legal jeepers of past decades have been largely replaced by rowdy partiers, by extreme "rock crawler" users, and by OHVs who really believe that, in a democratic society, they should not be required to stay on the Trail proper if they don't want to. These amped-up users are far more destructive than the jeepers of yesteryear. They trample more vegetation, disturb more animals, muddy more streams, and have more mechanical problems, so they cause more petro-pollution. The Cleanup and Abatement Order is a necessary tool to reverse this destructive trend.

I am concerned, however, that the Draft Cleanup and Abatement Order is weak on issues of enforcement and compliance. Last year, while walking on the Rubicon, I saw a volunteer-built erosion-control project. Some good people had put a lot of work into that project. Right next to it was a detour many Trail users were taking to avoid the project; given the choice of being responsible or going through the mud, they preferred to go through the mud. This being the case, I think the planned bridges will need to be designed so that users are forced to use them, i.e. prevented by physical barriers from detouring around bridges so they can ford streams instead.

The issue of adequate signage needs to be addressed more specifically. A "Rubicon Trail" sign every 300 or 400 yards will not be adequate. It will not be possible to keep OHV users within a 50 foot narrow corridor unless that corridor is clearly marked every yard of the way.

In the past, El Dorado County law enforcement has simply refused to legally enforce Trail rules (have refused to issue tickets for proven illegal activities), and they will undoubtedly continue this policy until they are required to change it. The Rubicon cleanup effort cannot succeed without meaningful law enforcement, so the Abatement Order should not simply assume that El Dorado County authorities will be willing to "change their stripes" and start providing that enforcement.

I support the timeline in the Draft Abatement Order, and I hope that you will stick to it. Suggestions have been made that more testing needs to be done, because the Water Board staff testing was "suspect" and "doubtful science". Those suggestions are vague and, frankly, insulting. Suggestions have also been made that we need to wait for a geologic report on the area before taking any action. Those suggestions are nonsensical, because we have more than enough information to know that we need to take action now. El Dorado County supervisors will continue to complain that we cannot afford to do the required work in a timely manner, but they are just stalling; if they were really concerned about money, they would have instituted a permit and fee program years ago. I have yet to meet a Rubicon user who balks at the idea of paying a fee to help maintain their Trail. Really, it's a no-brainer.

Closing the Rubicon Trail during the wet season is another no-brainer. Seasonal closures can be instituted quickly, and easily reversed if found to be unnecessary. They will prevent a lot of pollution for very little money. They should also slow down the illegal cutting of trees for firewood that is now occurring during wet-season use. Seasonal closures are not a government plot or an assault on people's freedom; they are a common forest management tool, and quite appropriate for the Rubicon Trail.

The Water Board staff did a great job researching increased sediment loads and stream and wetland degradation, but I think more information is needed about chemical pollution. I was surprised to read about "low level" petroleum-based contaminants in soil. There are many places on the Trail

where anyone can pick up a handful of dirt, put it up to their nose, and get a strong "gasoline alley" smell. There are also spots on the Trail where you can get that same strong smell without picking up or disturbing any dirt, without bending over - in other words, just standing there, it stinks - really stinks. I have trouble believing that any soil that smells that loud is only slightly contaminated. My nose thinks more testing needs to be done.

In short, I can see several reasons to strengthen the Abatement Order, but none to weaken it. Some will disagree. The Rubicon Trail is very important to the economic success of Georgetown, and that makes some people afraid of change. They do not fully realize that healthy natural areas are a better tourist draw, and a better long-term investment, than degraded, polluted ones. If a thing is worth doing, it is worth doing right. El Dorado County has claimed ownership of the Rubicon Trail. Now they must stop stalling, adopt the Rubicon Trail Master Plan, and start managing the Trail in a sustainable manner, based on science rather than on wishful thinking. The Abatement Order is the tool to make that happen.

Thanks so much for all your good work!

Sincerely,
Shellie Perry